

## HOUSE No. 170

By Mr. Hynes of Marshfield, petition of Frank M. Hynes relative to health insurance coverage for diagnostic screening for prostate cancer. Insurance.

### The Commonwealth of Massachusetts

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In the Year Two Thousand and Three.

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#### AN ACT PROVIDING FOR GREATER INSURANCE COVERAGE OF PROSTATE CANCER EXAMS.

*Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:*

SECTION 1. Chapter 175 of the General Laws, as appearing in the 1996 Official Edition, is hereby amended by inserting after section 47S the following section:—

Section 47T. Any individual policy of accident and sickness insurance issued pursuant to section 108 which provides hospital expense and surgical expense insurance and any group blanket policy of accident and sickness insurance issued pursuant to section 110 which provides hospital expense and surgical expense insurance, delivered, issued or renewed by agreement between the insurer and the policyholder, within or without the commonwealth, shall provide benefits for individuals and group members having a principal place of employment within the commonwealth for the expenses incurred in conducting a medically recognized screening examination. For purposes of this section, a screening examination shall include a digital rectal exam and a blood test called the prostate-specific antigen or “PSA” test or the most reliable, medically recognized screening test available:

- (1) for men aged 50 to 75 who have been counseled by their physician about the risks and benefits of prostate cancer screening;
- (2) when used for the purpose of guiding patient management in monitoring the response to prostate cancer treatment;
- (3) when used for staging in determining the need for a bone scan in patients with prostate cancer, or
- (4) when used for male patients 40 and older who are a high risk for prostate cancer and have been counseled by their physician about the risks and benefits of prostate cancer screening, including men who are African American or who have a significant family history of prostate cancer, as determined by the treating physician.

The benefits provided in this section shall be subject to the same terms and conditions as for any other medical condition covered by said individual or group blanket policy.

SECTION 2. Chapter 176A of the General Laws, as so appearing, is hereby amended by inserting after section 8S the following section:—

Section 8T. Any contract between a subscriber and the corporation under an individual or group hospital service plan which provides hospital expense and surgical expense insurance, delivered, issued or renewed by agreement between the insurer and the policyholder, within or without the commonwealth, shall provide benefits for residents of the commonwealth and all group members having a principal place of employment within the commonwealth for the expenses incurred in conducting a medically recognized screening examination. For purposes of this section, a screening examination shall include a digital rectal exam and a blood test called the prostate-specific antigen or “PSA” test or the most reliable, medically recognized screening test available:

- (1) for men aged 50 to 75 who have been counseled by their physician about the risks and benefits of prostate cancer screening;
- (2) when used for the purpose of guiding patient management in monitoring the response to prostate cancer treatment;
- (3) when used for staging in determining the need for a bone scan in patients with prostate cancer; or
- (4) when used for male patients 40 and older who are a high risk for prostate cancer and have been counseled by their physician about the risks and benefits of prostate cancer screening, including men who are African American or who have a significant family history of prostate cancer, as determined by the treating physician.

The benefits provided in this section shall be subject to the same terms and conditions as for any other medical condition covered by said individual or group blanket policy.

SECTION 3. Chapter 176B of the General Laws, as so appearing, is amended by inserting after section 4Q the following section:—

Section 4R. Any subscription certificate under an individual or group medical service agreement which provides hospital expense and surgical expense insurance, delivered, issued or renewed by agreement between the insurer and the policyholder, within or without the commonwealth, shall provide benefits for residents of the commonwealth and to all group members having a principal place of employment within the commonwealth for the expenses incurred in conducting a medically recognized screening examination. For purposes of this section, a screening examination shall include a digital rectal exam and a blood test called the prostate-specific antigen or “PSA” test or the most reliable, medically recognized screening test available:

- (1) for men aged 50 to 75 who have been counseled by their physician about the risks and benefits of prostate cancer screening;

(2) when used for the purpose of guiding patient management in monitoring the response to prostate cancer treatment;

(3) when used for staging in determining the need for a bone scan in patients with prostate cancer; or

(4) when used for male patients 40 and older who are a high risk for prostate cancer and have been counseled by their physician about the risks and benefits of prostate cancer screening, including men who are African American or who have a significant family history of prostate cancer, as determined by the treating physician.

The benefits provided in this section shall be subject to the same terms and conditions as for any other medical condition covered by said individual or group blanket policy.

SECTION 4. Chapter 176G, as so appearing, is hereby amended by inserting after section 4I the following section:—

Section 4J. Any individual or group health maintenance contract, which provides hospital expense and surgical expense insurance, delivered, issued or renewed by agreement between the insurer and the policyholder, within or without the commonwealth, shall provide benefits for residents of the commonwealth and to all group members having a principal place of employment within the commonwealth for the expenses incurred in conducting a medically recognized screening examination. For purposes of this section, a screening examination shall include a digital rectal exam and a blood test called the prostate-specific antigen or “PSA” test or the most reliable, medically recognized screening test available:

(1) for men aged 50 to 75 who have been counseled by their physician about the risks and benefits of prostate cancer screening;

(2) when used for the purpose of guiding patient management in monitoring the response to prostate cancer treatment;

(3) when used for staging in determining the need for a bone scan in patients with prostate cancer, or

(4) when used for male patients 40 and older who are a high risk for prostate cancer and have been counseled by their physician about the risks and benefits of prostate cancer screening, including men who are African American or who have a significant family history of prostate cancer, as determined by the treating physician.

The benefits provided in this section shall be subject to the same terms and conditions as for any other medical condition covered by said individual or group blanket policy.

## HOUSE No. 1515

By Mr. Fennell of Lynn, petition of Robert F. Fennell, Robert Correia and Thomas M. McGee that health insurance providers be required to include coverage for diagnostic screening for prostate cancer. Insurance.

### The Commonwealth of Massachusetts

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In the Year Two Thousand and Three.

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#### AN ACT RELATIVE TO HEALTH INSURANCE COVERAGE FOR DIAGNOSTIC SCREENING FOR PROSTATE CANCER.

*Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:*

Every contract which provides coverage for hospital, surgical or medical care shall provide the following coverage for diagnostic screening for prostatic cancer:

- (i) upon the recommendation of a physician, medically recognized diagnostic testing including, but not limited to, a digital rectal examination, transrectal ultrasonography and prostate-specific antigen test at any age for covered persons having a prior history of prostate cancer; and
- (ii) an annual medically recognized diagnostic examination including, but not limited to, a digital rectal examination, trans-rectal ultrasonography and a prostate-specific antigen test for all men aged forty and over.

## HOUSE No. 1121

By Mr. Kafka of Sharon, petition of Louis L. Kafka and Robert Correia that coverage for prostatic specific antigen (PSA) blood tests for the detection of prostate cancer be included in health insurance policies. Insurance.

### **The Commonwealth of Massachusetts**

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In the Year Two Thousand and Three.

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#### AN ACT PROVIDING MEDICAL COVERAGE FOR THE PROSTATIC SPECIFIC ANTIGEN BLOOD TEST.

*Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:*

SECTION 1. Chapter 175 of the General Laws is hereby amended by inserting after section 47S the following section:—

Section 47T. Any individual policy of accident and sickness insurance issued pursuant to section one hundred and eight and any group blanket policy of accident and sickness insurance issued pursuant to section one hundred and ten shall provide coverage for the prostatic specific antigen blood test known as the PSA blood test, for the detection of prostate cancer.

SECTION 2. Chapter 176A of the General Laws is hereby amended by inserting after section 8S the following section:—

Section 8T. Any contract between a subscriber and the corporation under an individual or group hospital service plan delivered, issued or renewed in the commonwealth shall provide, as benefits to all individual subscribers and members within the commonwealth and to all group members having a principal place of employment within the commonwealth, coverage for the prostatic specific antigen blood test, know as the PSA blood test, for the detection of prostate cancer.

SECTION 3. Chapter 176B of the General Laws is hereby amended by inserting after section 4Q the following section:—

Section 4R. Any subscription certificate under an individual or group medical service agreement delivered, issued or renewed in the commonwealth shall provide, as benefits to all individual subscribers and members within the commonwealth and to all group members having a principal place of employment within the commonwealth, coverage for the prostatic specific antigen blood test, known as the PSA blood test, for the detection of prostrate cancer.

SECTION 4. The first paragraph of section 4 of chapter 176G of the General Laws, as most recently amended by section 4 of chapter 293 of the acts of 1996, is hereby further amended by adding the following sentence:— Such health maintenance contract shall also provide coverage for the prostate specific antigen blood test, known as the PSA blood test, as set forth in section forty-seven T of chapter one hundred and seventy-five, subject to the terms of a negotiated agreement between the health maintenance organization and the provider of health care services.